# SCARINCI & HOLLENBECK

ATTORNEYS AT LAW

DONALD SCARINCT'
KENNETH J. HOLLENBECK
JOSEPH A. ASCIONE"
STEVEN M. TARSHIS"
GLENN C. KIENZ
ROBERT E. LEVY\*
CERTIFIED CRIMINAL TRIAL ATTORNEY
VICTOR E. KINON\*\*

Of Counsel ARNE SIEGEL<sup>†</sup> STEVEN R. WEINSTEIN<sup>o</sup>

- N.J., N.Y., PA. AND D.C. BAR
- "N.J. AND N.Y. BAR

1

- " N.J., N.Y. AND D.C. BAR
- N.J., N.Y. AND FL. BAR
- " N.J. AND IL. BAR
- \* N.J. AND PA. BAR
- \* N.J., N.Y., AND PA. BAR
- \* N.J., FL., AND IL. BAR \*\*N.J. AND MA BAR

500 PLAZA DRIVE P.O. BOX 3189 SECAUCUS, N. J. 07096-3189

> (201) 392-8900 FAX (201) 348-3877

JOSEPH S. SHERMAN
SHERI K. SIEGELBAUM
SCOTT A. CARVER
KENNETH A. PORRO
ALLAN C. ROTH\*\*
ALICIA M. MOREJON\*
STEPHEN J. HUDIK\*
KAREN LEVINE\*\*
DOLORES M. BLACKBURN\*
MAURA B. JOHNSON
PATRICK J. M¢NAMARA\*
E. GINA CHASE
SCOTT J. KRUMHOLZ
FRANK A. BLANDINO\*\*

February 23, 1996

# Via Federal Express

Mr. Joseph Cosentino
Removal Action Branch
Emergency and Remedial Response Division
U.S. Environmental Protection Agency, Region II
2890 Woodbridge Avenue
Edison, New Jersey 08837

Re: Request for Information directed to Cinelli Iron & Metal Company, Inc. under Section 104(e) of CERCLA - Bayonne Barrel & Drum Site, 150-154 Raymond Boulevard, Newark, Essex County
Our File No. 01982.1000

#### Dear Mr. Cosentino:

Please accept this letter on behalf of Cinelli Iron & Metal Company Inc. (hereinafter "the Company") in response to the Section 104(e) request for information sent out by your office pertaining to the above referenced site. As per prior correspondence, we are submitting this letter following the agreement by your office to an additional extension of time to respond to the above-referenced request. The Company is continuing its investigation into this matter, and as such, reserves the right to supplement this response

February 23, 1996 Page 2

should its investigation uncover any relevant information responsive to this request.

PATRICK J. MCNAMARA For the Firm

PJM/np

cc: Cinelli Iron & Metal Co., Inc.

Marc Seidenberg, Esq.

#### CINELLI IRON & METAL COMPANY, INC.

#### 1. General Information:

- (a) The correct legal name of the company is Cinelli Iron and Metal Company, Inc. It's address is 50 Herman Street, East Rutherford, N.J. 07073
- (b) The company was incorporated on February 17, 1989 in the State of New Jersey.
  - (c) The President of the Company is Joseph Cinelli.
  - (d) There are no affiliates or subsidiaries of the Company.
- (e) The Company is a successor entity in that it functioned as a non-incorporated sole proprietorship from 1980 until the date of incorporation on February 17, 1989. The Company has not been succeeded by another entity.
- (f) To the best of its knowledge, neither the sole proprietorship or the Company conducted business with Bayonne Barrel & Drum, under its name or under the name of any other entity.

## 2. Company Relationship to Bayonne Barrel & Drum:

- (a) and (b) To the best of its knowledge, the Company is not aware of having conducted any business or transaction with Bayonne Barrel and Drum. The Company was incorporated on February 17, 1989. Prior to that, it functioned as a non-incorporated sole proprietorship from 1980 until the date of incorporation. It is the understanding of the Company that Bayonne Barrel & Drum ceased operations sometime in 1986. The Company, based upon its investigation to date, has no documentation evidencing any such transactions.
- 3. The Company believes that there may be some confusion as to the proper corporate entities which may have done business with Bayonne Barrel and Drum. There is another entity named Cinelli Scrap Metal Inc. operated by the father of the President of the Company. While the father and son have the same name, they have operated separate entities with similar names, which we believe may be the source of potential confusion in this instance.
  - 4. Mr. Joseph Cinelli, President of the Company.

- 5. There are no indemnification agreements or other types of arrangements of this nature which are applicable to this site. The company is assembling information concerning insurance coverage from Hanover Insurance Company, and will provide this information to the USEPA shortly. Given that the Company was not incorporated until 1989, and the insurance industry changes in eliminating liability policy coverage after 1985 for environmental matters, there is a distinct likelihood that no coverage will be available to the Company.
- 6. There are no such agreements which indemnify the President of the Company or any current officers.
- 7. The Company has no other information or documents to offer which would identify other possible sources or other entities which may have conducted business with Bayonne Barrel and Drum.

### CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State of New Jersey

County of Hudson

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

JOSEPH CINELLI

NAME (print or type)

PRESIDENT, CINELLI IRON & METAL CO.
TITLE (print or type)

STCHATTIRE

Sworn to me before this 23<sup>nd</sup> day

f February

1996

otary Public

GATHERINE J. MILLER A Notary Public of New Jersey My Commission Expires Feb. 14th, 1998

SCARINCI & HOLLENBECK